

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY L. WARD  
State Bar No. 246437  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2660  
Facsimile: (213) 897-2804

6 *Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3816

11 **RENEE PILAR STANISCI a.k.a, RENEE**  
12 **P. ARELLANO**

13 12032 Mondon Avenue  
14 Norwalk, CA 90650

15 Pharmacy Technician Registration  
No. TCH 35777

**A C C U S A T I O N**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about January 12, 2001, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration No. TCH 35777 to Renee Pilar Stanisci aka Renee P. Arellano  
24 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on December 31, 2012, unless renewed.

26 **JURISDICTION AND RELEVANT STATUTES**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 4202 subdivision (b) states that the Board may suspend or revoke a  
2 pharmaceutical technician's license for any ground specified in Section 4301.

3           5.     Section 4300 subdivision (a) provides authority to the Board to discipline licensees by  
4 revoking or suspending their licenses; it states, "[e]very license issued may be suspended or  
5 revoked."

6           6.     Section 4301 in pertinent part provides grounds for disciplinary action by the Board:

7                     "The board shall take action against any holder of a license who is guilty  
8 of unprofessional conduct or whose license has been procured by fraud or  
9 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
10 not limited to, any of the following:

11                     ....

12                     (j) The violation of any of the statutes of this state, or any other state, or  
13 of the United States regulating controlled substances and dangerous drugs.

14                     ...

15                     (l) The conviction of a crime substantially related to the qualifications,  
16 functions, and duties of a licensee under this chapter. The record of conviction of a  
17 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
18 States Code regulating controlled substances or of a violation of the statutes of this  
19 state regulating controlled substances or dangerous drugs shall be conclusive  
20 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
21 be conclusive evidence only of the fact that the conviction occurred. The board may  
22 inquire into the circumstances surrounding the commission of the crime, in order to  
23 fix the degree of discipline or, in the case of a conviction not involving controlled  
24 substances or dangerous drugs, to determine if the conviction is of an offense  
25 substantially related to the qualifications, functions, and duties of a licensee under this  
26 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
27 contendere is deemed to be a conviction within the meaning of this provision. The  
28 board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment."

7.     Section 118, subdivision (b), provides, in pertinent part, that the expiration of a  
license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the  
period within which the license may be renewed, restored, reissued or reinstated.

///

///

///

1 **REGULATIONS**

2 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

3 "For the purpose of denial, suspension, or revocation of a personal or  
4 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
5 Business and Professions Code, a crime or act shall be considered substantially  
6 related to the qualifications, functions or duties of a licensee or registrant if to a  
substantial degree it evidences present or potential unfitness of a licensee or registrant  
to perform the functions authorized by his license or registration in a manner  
consistent with the public health, safety, or welfare."

7 **COST RECOVERY**

8 9. Section 125.3 states, in pertinent part, that the Board may request the administrative  
9 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
10 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
11 case.

12 **CONTROLLED SUBSTANCE**

13 10. "Methamphetamine," is a Schedule II controlled substance as designated by Health  
14 and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
15 pursuant to Business and Professions Code section 4022.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Violation of a Statute Regulating Controlled Substances and Dangerous Drugs)**

18 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), in  
19 that on or about May 11, 2009, Respondent was convicted of violating Health and Safety Code  
20 section 11377 subdivision (a) [possession of a controlled substance] for possessing  
21 methamphetamine, as follows:

22 a. On or about May 11, 2009, during a routine traffic stop by a Los Angeles Sheriff's  
23 Department officer, Respondent was found with a plastic bag containing methamphetamine in her  
24 purse. She admitted that the methamphetamine was hers.

25 b. Subsequently, on or about June 1, 2009, Respondent pled guilty to and was convicted  
26 of one misdemeanor count of violating Health and Safety Code section 11377, subdivision (a)  
27 [possession of a controlled substance] in the criminal proceeding entitled *The People of the State*  
28 *of California v. Renee Pilar Arellano* (Super. Ct. Los Angeles County, 2009, No. 9WW03087).

1 Respondent was placed on the deferred entry of judgment program, a program for first time drug  
2 offenders, for a period of 18 months.

3 c. In May 2010, Respondent failed to appear in court and failed to timely submit to the  
4 court proof that she had completed the deferred entry of judgment program. A bench warrant was  
5 issued for her arrest.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially Related Crime)**

8 12. Complainant refers to, and by this reference incorporates, the allegations set forth  
9 above in paragraphs 11 as though set forth in full.

10 13. Respondent is subject to disciplinary action under section 4301 subdivision (l)  
11 because she was convicted of unlawfully possessing a controlled substance, methamphetamine,  
12 without a prescription. Respondent's conviction for methamphetamine is substantially related to  
13 her duties as a pharmaceutical technician because it evinces her unfitness to be responsible for the  
14 proper possession, storage, handling, and distribution of controlled substances and dangerous  
15 drugs.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board issue a decision:

19 1. Revoking or suspending Pharmacy Technician Registration No. TCH 35777, issued  
20 to Renee Pilar Stanisci aka Renee P. Arellano;

21 2. Ordering Renee Pilar Stanisci aka Renee P. Arellano to pay the Board the reasonable  
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
23 Code section 125.3; and

24 ///

25 ///

26 ///

27 ///

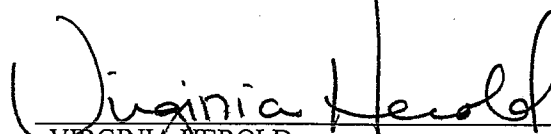
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED:

6/23/11



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2010600637  
60569756\_2.doc